IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

Bail Appl..No. 2138 of 2007()

AGAINST THE ORDER DATED 20/03/2007 IN CMP.1661/2007 IN CMP.1713/2007 of J.M.F.C.,TIRUR

.....

(CRIME NO.275 OF 2007 OF THIRUR POLICE STATION)

APPLICANT/2ND ACCUSED:

T.M.NOUSAL @ VALIYA NOUFAL,
S/O.ABDUL REHIMAN, THAMBATH MALIYEKKAL HOUSE,
M.K.ROAD, KOZHIKODE-3.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENT: COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 2138/2007

Dated this 11th day of April, 2007

O R D E R

The petitioner, who is the second accused in Crime No.275/2007 of Tirur police station registered for an offence punishable under Section 401 IPC, seeks his enlargement on bail.

2. The case of the prosecution is that at about 10.30 a.m on 14.3.2007, near the boat jetty at Tirur bye-pass road the petitioner, along with two other accused persons, was found involved in some secret talk. The petitioner was arrested on the same day.

3. The learned Public Prosecutor opposed the application submitting inter alia that the petitioner is a habitual offender and he is the accused in several theft cases registered by various police stations.

4. That is not a reason why the petitioner's custody should be continued in the present case where there was nothing more than a secret talk allegedly seen by the detecting police officer. I am therefore, inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 10,000/- (Rupees ten

thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M, Tirur and subject to the following conditions:

(a). The petitioner shall report before the Investigating Officer between 9 am. and 11 am. on all Wednesdays.

(b). The petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

(c). The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

(d). The petitioner shall not commit any offence while on bail.

6. If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

The application is allowed as above.

V.RAMKUMAR,
JUDGE

mrcs